

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SINT, LLC and SLEEPY’S, LLC,	:	
	:	
Plaintiffs,	:	Civil Action No.
	:	08-cv-01841 (PAC)
v.	:	
	:	
SLEEPY BEDDING & FURNITURE, CORP.,	:	
	:	
Defendant.	:	July 18, 2008
	:	
	:	

**SUPPLEMENT TO PLAINTIFFS’ APPLICATION FOR
ENTRY OF DEFAULT JUDGMENT AGAINST DEFENDANT**

Plaintiffs Sint, LLC and Sleepy’s, LLC (“Plaintiffs”) respectfully submit this supplement to their application for entry of a default judgment against Defendant Sleepy Bedding & Furniture, Corp. (“Defendant”). In addition to the reasons set forth in Plaintiffs’ Application For Entry of Default Judgment Against Defendant (D.I. #10) and the supporting Affidavit of Carrie A. Hanlon (D.I. #11), a default judgment against Defendant is necessary and proper for the following reasons:

1) After filing their Application on July 15, 2008 (D.I. # 10), Plaintiffs learned that Defendant registered the domain name *sleepyfurniture.com* for use in connection with its business operations. See Exhibit A, Whois Search Results for *sleepyfurniture.com*. Such registration occurred on or about on April 23, 2008 – two months after this action was commenced and shortly after Defendant, through its “owner” Mr. Basem Jad, sought additional time from the Court within which to obtain counsel and respond to the Complaint (see D.I. # 5, 6).

2) Defendant has been using and advertising the domain name in connection with its business operations. Specifically, Defendant is operating an e-commerce website at *www.sleepyfurniture.com*. Exhibit B, sample print-outs of the website operated at *www.sleepyfurniture.com*.

WHEREFORE, in addition to the relief requested in Plaintiffs' original Application (D.I. #10), Plaintiffs request that any default judgment entered against Defendant also include the following terms:

5. That Defendant and its officers, agents, servants, employees and attorneys, and those persons in active concert or participation with them who receive actual notice hereof by personal service or otherwise, be enjoined and restrained, pursuant to 15 U.S.C. §§ 1116 and 1125, from:

a. using in interstate commerce, and making commercial use of, the domain name "*sleepyfurniture.com*", or any other domain name that is a colorable imitation of or confusingly similar with the SLEEPY'S mark, in any manner which is likely to cause confusion, or to cause mistake or to deceive with respect to either the affiliation, connection or association with Plaintiffs and the goods and services offered under the SLEEPY'S mark, or with respect to the origin, sponsorship or approval of the goods, services or commercial activities by Plaintiffs, and further from using the domain name "*sleepyfurniture.com*", or any other domain name incorporating or confusingly similar to the SLEEPY'S mark, or using such as a metatag or any other form of electronic identifier; and

b. engaging in any other activity, including the effectuation of assignments or transfers of its interests in the domain name “*sleepyfurniture.com*,” including the formation of other corporations, partnerships, associations or other entities or the utilization of any other devices, for the purpose of circumventing, evading, avoiding or otherwise violating the prohibitions set forth herein.

6. That the Court compel the forfeiture or cancellation of Defendant’s domain name “*www.sleepyfurniture.com*” or the transfer of this domain name to Plaintiffs, pursuant to 15 U.S.C. §1125(d)(1)(C).

Respectfully submitted, this 18th day of July, 2008.

SINT, LLC and SLEEPY’S, LLC

/s/Laura A. Chubb
Carrie A. Hanlon (CH2273)
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Stamford, Connecticut 06901
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE


It is hereby certified that on this day a true copy of the foregoing SUPPLEMENT TO PLAINTIFFS' APPLICATION FOR ENTRY OF DEFAULT JUDGMENT AGAINST DEFENDANT was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

Dated: July 18, 2008.

/s/ Laura A. Chubb
Laura A. Chubb

EXHIBIT A

Start a domain search: .com

Today's Offers 

Express yourself.
The domain that's all
about YOU! Available NOW!

GoDaddy.com
The web
is your Domain!™

Me

SAY NO to renewal increases!
Transfer your .COM, .NET,
or .ORG for only \$6.99!*

CEO & Founder
BOB PARSONS

Competitor "jumps the shark!"
Increases all renewals to \$35!
You'll be amazed who it is.

24/7 Sales & Support: (480) 505-8877

Domains Hosting & Servers Site Builders SSL Certificates Business Email Domain Auctions Reseller Plans

WHOIS Search Results for: SLEEPYFURNITURE.COM

The data contained in GoDaddy.com, Inc.'s WHOIS database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose is expressly forbidden without the prior written permission of GoDaddy.com, Inc. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. In particular, you agree not to use this data to allow, enable, or otherwise make possible, dissemination or collection of this data, in part or in its entirety, for any purpose, such as the transmission of unsolicited advertising and solicitations of any kind, including spam. You further agree not to use this data to enable high volume, automated or robotic electronic processes designed to collect or compile this data for any purpose, including mining this data for your own personal or commercial purposes.

Please note: the registrant of the domain name is specified in the "registrant" field. In most cases, GoDaddy.com, Inc. is not the registrant of domain names listed in this database.

Registrant:
basem jad
9503roosevelt ave
jackson heights, New York 11372
United States

Registered through: GoDaddy.com, Inc. (<http://www.godaddy.com>)
Domain Name: SLEEPYFURNITURE.COM
Created on: 23-Apr-08
Expires on: 24-Apr-09
Last Updated on: 24-Apr-08

Available TLDs

<input type="checkbox"/> SLEEPYFURNITURE.NET	\$9.99/yr
<input type="checkbox"/> SLEEPYFURNITURE.ORG	\$9.99/yr
<input type="checkbox"/> SLEEPYFURNITURE.INFO	\$1.99/yr SAVE!
<input type="checkbox"/> SLEEPYFURNITURE.BIZ	\$14.99/yr
<input type="checkbox"/> SLEEPYFURNITURE.US	\$12.99/yr
<input type="checkbox"/> SLEEPYFURNITURE.NAME	\$14.99/yr

You might also consider:

<input type="checkbox"/> SLEEPYFURNITURESITE.COM	\$9.99/yr
<input type="checkbox"/> SITESLEEPYFURNITURE.COM	\$9.99/yr
<input type="checkbox"/> SLEEPYFURNITUREONLINE.NET	\$9.99/yr
<input type="checkbox"/> ONLINESLEEPYFURNITURE.NET	\$9.99/yr
<input type="checkbox"/> SLEEPYFURNITURESTORE.ORG	\$9.99/yr
<input type="checkbox"/> STORESLEEPYFURNITURE.ORG	\$9.99/yr
<input type="checkbox"/> SLEEPYFURNITURENOW.INFO	\$1.99/yr SAVE!
NEWSLEEPYFURNITURE	\$1.99/yr SAVE!

Administrative Contact:
 jad, basem charliejad69@aol.com
 9503roosevelt ave
 jackson heights, New York 11372
 United States
 (718) 334-9876 Fax -- (718) 334-0790

Technical Contact:
 jad, basem charliejad69@aol.com
 9503roosevelt ave
 jackson heights, New York 11372
 United States
 (718) 334-9876 Fax -- (718) 334-0790

Domain servers in listed order:
 NS5.EV1SERVERS.NET
 NS6.EV1SERVERS.NET

Registry Status: clientDeleteProhibited
 Registry Status: clientRenewProhibited
 Registry Status: clientTransferProhibited
 Registry Status: clientUpdateProhibited

[Report Invalid Whois](#)

[See Underlying Registry Data](#)

INFO

REGISTER NOW!

Interested in this domain name?
 Let our Domain Buy Service help you get it.

\$1.99 Domain Names
 Register a domain name for only \$1.99 with each new, non-domain product.

World-Class Web Hosting
 Fast, secure, reliable hosting featuring 99.9% uptime, free setup, 24/7 support & more!

Safe, Personalized Email
 Get an easy-to-remember email address with built-in Fraud, Spam & Virus Protection.

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[GoDaddy.tv](#) | [GoDaddyLive.com](#) | [BobParsons.tv](#) | [GoDaddyGirls.info](#) | [WildWestDomains.com](#)
[DomainNameAftermarket.com](#) | [GoDaddyConnections.com](#)



GoDaddy.com is the world's No. 1 ICANN-accredited domain name registrar for .COM, .NET, .ORG, .INFO, .BIZ and .US domain extensions. Source: Name Intelligence, Inc. 2006

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EXHIBIT B

Sleepy Furniture
Bedding & Furniture

Sitemap - Contact

HOME | MY ACCOUNT | CART CONTENTS | CHECKOUT

Go

Your cart is empty

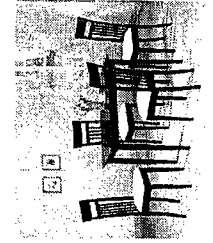
CATEGORIES |

- » Bar Stools
- » Bedding/ Sleeping Products
- » Bedrooms
- » Coffee Table
- » Dinettes
- » Dining Rooms
- » Entertainment
- » Home Office
- » Lighting
- » Living Rooms
- » Mattresses
- » Motion
- » Recliners
- » Youth Bedrooms

MANUFACTURERS |

Please Select

WHAT'S NEW |



Welcome Guest! Would you like to **log yourself in?** Or would you prefer to **create an account?**

LANGUAGE |



CURRENCIES |

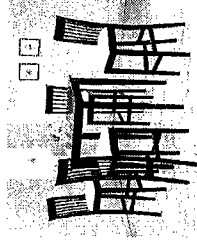
Select currency:

US Dollar

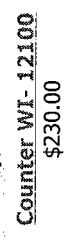
BESTSELLERS |

REVIEWS |

There are currently no product reviews



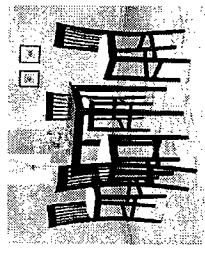
Dinette WI- 62690
\$275.00



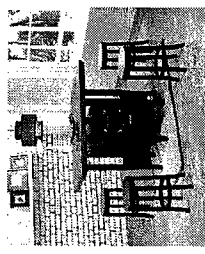
Counter WI- 12100
\$230.00

INFORMATION I

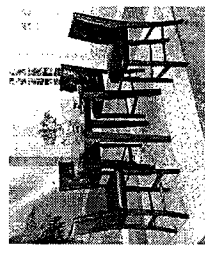
- Shipping & Returns
- Privacy Notice
- Conditions of Use
- Contact Us



Counter WI- 12100
\$230.00

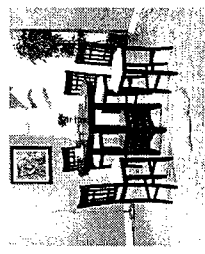


**Counter WI- 12830 Oak/
Black**
\$395.00

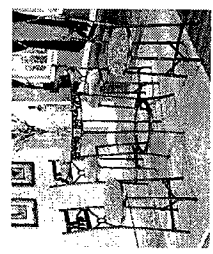


Dinette WI- 48330
\$189.00

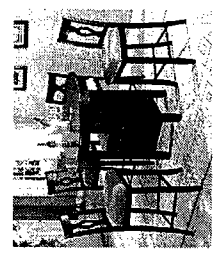
Counter WI- 12740
\$555.00



Counter WI- 12540
\$399.00



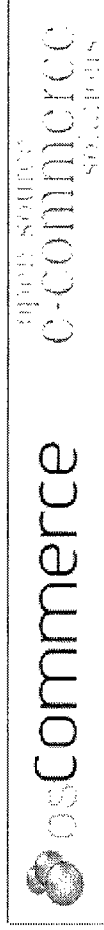
Counter PO- F23090
\$456.00



Counter PO- F23130
\$798.00



Counter PO- F23190
\$498.00



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Sleepy Furniture

Bedding & Furniture

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HOME ACCOUNT CONTACTS CHECKOUT



Your cart is empty

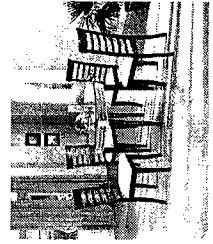
CATEGORIES |

- » Bar Stools
- » Bedding/ Sleeping Products
- » Bedrooms
- » Coffee Table
- » Dinettes
- » Dining Rooms
- » Entertainment
- » Home Office
- » Lighting
- » Living Rooms
- » Mattresses
- » Motion
- » Recliners
- » Youth Bedrooms

MANUFACTURERS |

Please Select

WHAT'S NEW |



Sleepy Furniture

Store #:718.672.8562

Fax#:718.334.0790

Contact Us

Full Name:

E-Mail Address:

Enquiry:



LANGUAGE |



CURRENCIES |

Select currency:

US Dollar

BESTSELLERS |

REVIEWS |

There are currently no product reviews

Dinette WI- 62690

\$275.00

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